DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration
Atlanta District Office
NF1-35 d1703b

60 8th Street, N.E.
Atlanta, Georgia 30309

March 24, 1998

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. William Bryan Hargett
Owner/President
Greenville Livestock Inc.
Hwy 11 South, P.O. Box 351
Ayden, NC 28513

WARNING LETTER

Dear Mr. Hargett:

An inspection of your operation in Ayden, North Carolina, by a Food and Drug Administration investigator, Billy M. Battles, on January 29, 1998, confirmed that three barbecue pigs purchased and sold by you in June 1997, for slaughter for human food to [redacted], were in violation of Section 402(a)(2)(D) of the Federal Food, Drug, and Cosmetic Act (the Act).

USDA/FSIS analysis of tissues collected from those animals disclosed the presence of the drug penicillin in their kidneys at levels ranging from 0.02 to 0.05 ppm (parts per million). There is a zero tolerance level for penicillin in the edible tissues of swine (Title 21, Code of Federal Regulations, Section 556.110). The presence of this drug in edible tissue from this animal causes the food to be adulterated.

According to our records, on April 14, 1997, USDA/FSIS had collected a tissue sample from a barbecue pig sold by you which also tested positive for penicillin at a level of 0.25 ppm. These incidents were communicated to you by a USDA/FSIS letter dated July 28, 1997. A copy of that letter is attached. Investigation of these incidents has been hampered by the lack of adequate identification markings on the pigs. While at your facility, our investigator observed improper application of tattoos which may result in some tattoos washing away. In addition, he observed several sows which were missing a back tag.

Our investigation also revealed that upon purchasing hogs you have failed to obtain written or verbal assurance from the swine producer as to whether the animal has been medicated, and if medicated, whether the animal is free from illegal drug residues.

You should take prompt action to correct the above violations and establish procedures whereby such violations do not recur. Failure to do so may result in regulatory action without further notice such as seizure and/or injunction.

The violations listed above are not intended to be an all inclusive list. It is your responsibility to assure that your operation is in compliance with the law. As a dealer of animals, you are frequently the individual who introduces or offers for introduction into interstate commerce, the adulterated animal. As such, you share the responsibility for violating the Federal Food, Drug and Cosmetic Act. To avoid future illegal residue violations you should take precautions such as:

1. Implementing a system to identify the animals you purchase with records to establish traceability to the source of the animal;

2. Implementing a system to determine from the source of the animal whether the animal has been medicated and with what drug(s); and

3. If the animal has been medicated, implementing a system to withhold the animal from slaughter for an appropriate period of time to deplete potentially hazardous residues of drugs from edible tissue. If you do not want to hold the medicated animal then it should not be offered for human food, and it should be clearly identified and sold as a medicated animal.

You should be aware that it is not necessary for you to have personally shipped an animal in interstate commerce to be responsible for a violation of the Act. The fact that you offered an animal for sale to a slaughterhouse that ships in interstate commerce is sufficient to hold you responsible for a violation of the Act.

You should notify this office in writing within 15 working days of receipt of this letter, of the steps you have taken to bring your firm into compliance with the law. Your response should include each step being taken, that has been taken, or will be taken to correct the violations and prevent their recurrence. If corrective action cannot be completed within 15 working days, state the reason for the delay and the time frame within which the corrections will be completed. Please include copies of any available documentation demonstrating that corrections have been made.

Your reply should be sent to John J. McCall, Compliance Officer, Food and Drug Administration, 60 Eighth Street, N.E., Atlanta, Georgia 30309.

Sincerely yours,

for Ballard H. Graham, Director
Atlanta District

Attachment